

BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON THE APPLICATION OF
TAURUS AT FOUNTAIN HILL ASSOCIATES FOR
THE AUTHORIZATION AND APPROVAL OF A PROJECT
UNDER MASSACHUSETTS GENERAL LAWS (TER.ED.)
CHAPTER 121A AS AMENDED, AND CHAPTER 652 OF
THE ACTS OF 1960, TO BE UNDERTAKEN AND
CARRIED OUT BY A LIMITED PARTNERSHIP FORMED
UNDER M.G.L. CHAPTER 109, AND APPROVAL TO
ACT AS AN URBAN REDEVELOPMENT LIMITED
PARTNERSHIP UNDER SAID CHAPTER 121A.

- A. The Hearing. A public hearing was held at 2 p.m. on January 18, 1979, in the offices of the Boston Redevelopment Authority (hereinafter called the "Authority"), at the New City Hall, Room 921, Boston, Massachusetts 02201, by the Authority on an Application, dated December 27, 1978, (hereinafter called the "Application"), filed by Taurus at Fountain Hill Associates, for authorization and approval of a redevelopment project under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960, as amended, (hereinafter called the "Project"), due notice of said hearing having been given previously by publication on January 5, 1979, and January 12, 1979, in the Boston Herald American, a daily newspaper of general circulation published in Boston, and mailing postage prepaid in accordance with Rule 4 of the Rules and Regulations of the Authority for securing approval of Chapter 121A projects, and in accordance with the provisions of Section 13 of Chapter 652 of the Acts of 1960, as amended. Robert L. Farrell, Chairman of the Authority, James G. Colbert, Joseph J. Walsh, James K. Flaherty and James E. Cofield, Jr., members of the Authority, were present at the hearing.
- B. The Project. The Project Area consists of seventeen parcels of land containing 95,289 square feet of land, with two dilapidated, abandoned buildings, bounded by St. James, Alpine and Akron Streets. The present owners of the project are the Boston Redevelopment Authority and John B. Cruz III.

A full metes and bounds description of the Project Area can be found in Appendix #19 of the Application.

The Project consists of acquisition, construction, operation, and maintenance of four buildings by the 121A Entity to contain 73 dwelling units to be rented to low-income individuals or families at market or below market rentals. 100% of the units in the proposed Project will be eligible to receive rental assistance under the Section 8 program, being Section 8 of the U.S. Housing Act of 1937, as amended.

The Project will consist of twenty-nine (29) one-bedroom units, thirty-four (34) two-bedroom units, eight (8) three-bedroom units and two (2) four-bedroom units, and will include four (4) units specially designed for occupancy by physically handicapped persons. Sixty-three (63) one and two bedroom apartment units will be housed in a five-story brick building with an elevator. In addition, the Project will include three townhouses, housing the remainder of the units. The townhouses consist of three stories, each constructed with a facade of wood clapboards. The appurtenant facilities will include community spaces, closed circuit television for security, and an alarm system for first floor tenants, laundry facilities, and open off-street parking.

C. Authority Action. In passing upon the Application, the Authority has considered the Application itself, all documents, plans and exhibits filed therewith or referred to therein, the oral evidence presented at the hearing, the exhibits offered in evidence at the hearing, and arguments and statements made at the hearing.

The Project as defined in the Application, constitutes a Project within the meaning of Section 1 of Chapter 121A of the General Laws, providing as it does, for the purchase, construction and maintenance in a blighted, open, decadent or substandard area of a decent, safe and sanitary residential building and appurtenant facilities.

D. Project Area. The Project Area is located in Roxbury, for which the City's Master Plan calls for the preservation of residential neighborhoods and increasing the quantity and quality of all types of housing. In the opinion of the Applicant the Project Area is a blighted, open and decadent area as defined in Chapter 121A, detrimental to the safety, health, morals, welfare and sound growth of the community. The Project Area consists of two dilapidated, abandoned buildings unfit for human habitation and vacant land devoid of significant vegetation and heavily littered with trash, broken glass, dust and filth which continues to increase as time goes on. The blighted, open decadent condition of the site potentially serves as a breeding area for delinquency and crime. As the site is unsupervised, unprotected, and totally dark at night it jeopardizes the morals, safety, and welfare of the surrounding community. The project will eliminate an area which is now detrimental to the welfare of the community, and thus contribute to the sound growth of the surrounding neighborhood.

Rather than providing a stable anchor for the surrounding residential neighborhood, the site remains vacant, unsightly, dangerous, unsanitary, and a breeding ground for delinquency. In addition, rather than adding vitality and activity to nearby small businesses and shops, the vacant condition of the site greatly reduces the tax revenue-producing potential of the site and general area.

The Applicant further maintains that the Project Area should be designated by the Authority under Chapter 121A as the Project would be costly to develop soundly without the benefit of Chapter 121A because of unsuitable soil conditions, specifically a large amount of ledge and rock which will require the use of unduly expensive excavation, fill or grading.

The Project is detrimental to the health, safety and sound growth of the Community for the reasons stated above and are conditions which have not, and in the opinion of the Applicant, will not be remedied by the ordinary operations of private enterprise.

Without the aids available under G.L. Chapter 121A as is evidenced by the requirement of the mortgage lender attached to the Application, that the real estate taxes be limited to contain percentages of the project's estimated gross annual income, which percentage levels can only be lawfully agreed to by the City of Boston under G.L. Chapter 121A and Chapter 6A, the site would not be developed. These conditions and other factors referred to in the Application and this Report and Decision warrant the carrying out of the Project in accordance with Chapter 121A. The proposal constitutes a "project" within the meaning of that statute.

For these reasons it is found that the Project Area is a blighted, open and substandard and decadent area within the meaning of Chapter 121A, as amended. It is unlikely that the conditions will be remedied by the ordinary operations of private or public enterprise.

The Project will provide substantial financial return to the City of Boston. The 6A Tax Agreement attached to the Application sets forth the Agreement to be entered into between the City of Boston and the Applicants. This Agreement provides in substance that there be paid to the City of Boston an in lieu of real estate taxes for each of the forty (40) calendar years after approval of the Project.

During construction, the owner will pay not less than thirteen thousand (\$13,000) dollars per year. For the two calendar years and following completion of the Project, 10% of gross residential income from the Project. Commencing in the third calendar year and for each year thereafter the Owner will pay 12% of gross residential income. In every third year the percent of residential income will increase by 1% to a maximum of 15%. In years 4 through 9 the Owner's obligation to pay the increased percentage from 10% to 12% shall be reduced to the extent the project would suffer an operating loss by virtue of the obligation to make payment of such increased percentage.

E. Cost of the Project. In the opinion of the Authority, the cost of the Project has been realistically estimated in the Application and the Project is practicable. The estimated cost of approximately Three Million Two Hundred Seventy Thousand (\$3,270,000.00) Dollars. Both the construction and permanent mortgage loans for the Project will be by MHFA.

The MHFA insured mortgage loans will be in an amount equal to 90% of the estimated Project Cost of Two Million Nine Hundred Forty Three Thousand (\$2,943,000.00) Dollars. Included in the balance is a Developer's Fee of Two Hundred and Ninety-One Thousand, Three Hundred and Fifty Dollars (\$291,350.00) and a portion of the value of the Project land of Thirty-Five Thousand Six Hundred and Fifty Dollars (\$35,650.00). The total land value is Sixty-Five Thousand, Eight Hundred and Fifty (\$65,850.00) Dollars. Additional equity capital will be raised by the 121A Entity through the admission of one or more investor limited partners.

The following are all the persons, natural or corporate, who have or will have, directly or indirectly, any beneficial interest in the Project prior to its completion:

Taurus at Fountain Hill Associates, a Massachusetts Limited Partnership

General Partners: John B. Cruz III

Limited Partners: John B. Cruz III
John B. Cruz, Sr.

Massachusetts Housing Finance Agency;

United States Department of Housing and Urban Development;

The Project will be assisted by rental assistance under Section 8 of the U.S. Housing Act of 1937, as amended, for no less than 90% of the units. Under the Section 8 Program, HUD pays that amount of the fair market rent for an apartment that exceeds 25% of the tenant's income. The Application contains the Corporate Articles of Organization for the Copley Place Associates I and the First Amendment to said Agreement, changing the Limited Partnership name to Blake Estates Associates. The Articles illustrate the corporate purposes and structure. Experience with similar financing and organization methods persuades the Authority that the financial program is realistic.

F. Consistency with Master Plan. The Project does not conflict with the Master Plan for the City of Boston.

G. Effect of the Project. The Project will not be in any way detrimental to the best interests of the public or the City or to the public safety or convenience or be inconsistent with the most suitable development of the City. The Project will, in fact, forward the best interests of the City and will constitute a public use and benefit. The structures to be built on the Project Site have been reviewed by the Design Review Staff of the Authority and is subject to further design review should the proposed design change in any way. The Authority finds that this Project will enhance the general appearance of the Area and will furnish attractive and necessary landscaping.

The carrying out of the Project will not involve the relocation of any families.

The Project Area does not include land within any location approved by the State Department of Public Works for the extension of the Massachusetts Turnpike into the City of Boston.

E. Environmental Considerations. To conform with the provisions of Section 6 of Chapter 30 of the General Laws (as inserted by Chapter 781 of the Acts of 1972) and the Regulations thereunder as adopted by the Authority on April 11, 1974, the Project must comply with the City of Boston Air Pollution Control Commission's Regulations for the Control of Noise during all phases of construction activities.

In the event that blasting is necessary due to existing subsurface pudding stone on the project site, it is the obligation of the Applicant to take appropriate measures to insure public safety and prevention of damage to surrounding property and the community as well as to secure appropriate permits for such activity.

The Project will therefore be in compliance with the environmental review standards set forth below.

1. The Project does not adversely affect any recreational area or any aesthetic values in the surrounding areas.
2. No natural or man-made places are adversely affected by the Project.
3. The Project does not adversely affect archeological or historical structures or features.
4. The Project does not affect the potential use, extraction or conservation of a scarce natural resource.
5. The Project Area is urban and therefore does not serve as a habitat for wildlife or fish species.
6. Being urban, the Project has no impact on any wilderness areas.

7. The Project will require deviations from the Zoning Code of the City of Boston as further detailed herein, but not in such manner as will cause damage to the environment.
8. The Project does not require certification, authorization or issuance of a permit by any local, State or Federal environmental control agency.
9. The Project does not involve the disposal of potentially hazardous materials.
10. The Project does not involve the construction of facilities in a flood plain.
11. The Project, except necessarily during the construction phase, does not result in the generation of a significant amount of noise or dust.
12. The Project does not result in a deleterious effect on the quality of any portion of the State's air or water resources.
13. The Project does not adversely affect an area of important scenic value.

As a result of the investigation and Report of the Authority's staff and of its own knowledge, the Authority hereby determines that the Project will not cause significant environmental damage and that the Secretary of the Authority be instructed to file such with said Executive Office of Environmental Affairs its Report and finding in accordance with the Authority's Rules and Regulations.

I. Minimum Standards. The minimum standards for financing, construction, maintenance and improvement of the Project as set forth in Appendix Item 17 filed with and attached to the Application, are hereby adopted and imposed as Rules and Regulations (in addition to those hereinafter adopted and imposed) applicable to this Project for the same period as the Project is subject to the provisions of Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, as amended.

In addition to the minimum standards set forth in Appendix Item 17, the Authority hereby requires that the Applicants, prior to obtaining a building permit, (1) enter into a Regulatory Agreement with the Authority pursuant to the requirements of General Laws, Chapter 121A, Section 18C, and containing such other terms and conditions as the Authority may in its discretion deem necessary and appropriate; (2) submit to the Authority for its review and approval such plans and specifications for the Project as the Authority may require and accept such changes and modifications thereto as the Authority may deem necessary or appropriate; and (3) adhere to such design review controls and requirements as the Authority may in its discretion impose.

The carrying out of the Project will not require a permit for the erection, maintenance and use of a garage within 500 feet of one or more buildings occupied in whole or in part as a public or private school having more than 50 pupils, or as a public or private hospital having more than 25 beds, or as a Church.

The Project does not require a declaration that the buildings contemplated constitute a separate building for the purpose of General Laws, Chapter 138.

J. Zoning and Building Code Deviations. Proposed Deviations filed with and attached to the Application lists the zoning deviations requested. For the reasons set forth in the Application and the evidence presented at the hearing, the Authority hereby finds that the attached zoning deviations, attached hereto and incorporated by reference as Exhibit A, are necessary for the carrying out of the total project and therefore granted without substantially derogating from the intent and purposes of the applicable laws, codes, ordinances and regulations, respectively.

K. Duration of Period of Tax Exemption. In addition to the base term of fifteen (15) calendar years for the Project's period of tax exemption, pursuant to the provisions of section 10 of Chapter 121A, as amended by Chapter 827 of the Acts of 1975, the Authority hereby determines that the Project shall be entitled an extension of twenty-five (25) years beyond the base period. This determination is based upon the fact that the Applicant's Project is financed and subsidized under Federal programs to assist the construction of low-income housing.

L. Decision. For all the reasons set forth in the foregoing report, the Authority hereby approves the undertakings by the Applicant of the Project pursuant to Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, subject to the provisions set forth in this Report and Decision.

EXHIBIT A

Deviation requested

1. Deviations from State Building Code

No deviations from the Massachusetts State Building Code are requested.

2. Deviations from Boston Zoning Code

The following deviations from the Boston Zoning Code are hereby requested as part of the 121A approval:

(A) Parking ratio - lot on Akron, Alpine and St. James Streets (66 units)

(i) Parking Ratio Required: .9 spaces for each dwelling unit or 60 parking spaces;

(ii) Parking Ratio Provided: .833 spaces per dwelling unit or 55 parking spaces. Deviation requested.

(B) Front yard - lot on Akron, Alpine and St. James Streets (66 units)

(i) Front yard required: 20 feet, except, under Section 18-5 of the Boston Zoning Code, if the front wall of a building is not parallel to the front lot line, but the "average" distance between such wall and such lot line is not less than the minimum front yard depth otherwise required by the Code, the requirements of the Code are met if the distance between such wall and such lot line is at no point less than three-fourths of the minimum front yard depth (i.e. 15 feet).

(ii) Front yard provided: 10 feet. The "average" distance between the wall for the three-bedroom townhouse and the lot line is 16-1/2 feet, at one point the maximum front yard depth is 10 feet. Deviation requested

(C) Setback of parapet - lot on Akron, Alpine and St. James Streets - (66 units)

(i) Setback of parapet required: on northeast boundary of lot adjacent to 63 unit apartment building - 44 feet.

(ii) Setback of parapet provided - All setback requirements are met for the 63 unit building except for that portion along the northeast boundary parallel to the portion of the lot line 60.37 feet in length as shown on the site plan. At that point the setback is 26 feet. Deviation requested.

(D) Front yard - lot on St. James Street (2-four bedroom townhouse).

(i) Front yard required 20 feet

(ii) Front yard provided 10 feet. Deviation requested.

(E) Accessory use in front yard - lot on Akron, Alpine and St. James Streets (66 units)

(i) Under Section 10-1 of the Boston Zoning Code, in a residential district, no accessory use shall occupy any part of the front yard required by the code (front yard requirement is 20 feet).

(ii) Seven (7) off-street parking spaces are located within the front yard. Deviation requested.

PETITION

We, the undersigned South End residents, urge the Board of Directors of the Boston Redevelopment Authority to take through the eminent domain process or otherwise the property located at 35-36 West Newton Street, South End, also known as the "Alexander Graham Bell" House, to secure said property from damage by vandals and weather, and to seek and find a private market redeveloper for the said property.

NAME	ADDRESS	PHONE
Katherine S. White	40A Montgomery St	353-1666
Beth C. O'Brien	530 Mass Ave.	266-1824
Eleanor M. Strong	164 W. Brookline St.	262-438
Roberta Cappella	81 Montgomery St	536-0924
Arthur F. Howe	81 Montgomery St	536-0927
Molly B. Kerner	163 Warren Ave	262-4788
Malcolm Kerner	163 Warren Ave	262-4788
Ill Mead	692 Tremont St	
Robert AB Penn	161 Warren Ave.	261-1362
Barbara T. Brunell	161 Warren Ave.	
Virginia Elmer	176 W Concord St	
Jules Esch		
Ben Baskin	174 West Brookline St.	
William J. Hargy	122 W Concord St	
Edward Malone	756 Tremont St	266-9126
Howard B. Chadwick Jr.	161 Warren Ave, Boston	261-1362

MEMORANDUM

MARCH 15, 1979

TO: BOSTON REDEVELOPMENT AUTHORITY 3739

FROM: ROBERT J. RYAN, DIRECTOR

SUBJECT: REPORT AND DECISION ON THE CHAPTER 121A
APPLICATION OF TAURUS AT FOUNTAIN HILL ASSOCIATES

On January 18, 1979, the Authority conducted a public hearing with respect to the above-captioned Application. At that meeting the Board heard a presentation by the Applicant.

The Project consists of the acquisition of sixteen parcels of land from the Authority and the construction of 73 dwelling units to be rented to low-income tenants. All of the units will receive Section 8 rental assistance.

The Staff has examined the application and found that it contained sufficient evidence in support of the Project to permit the Authority to make those findings and determinations necessary to proceed with the approval of the Project.

It is therefore recommended that pursuant to Chapter 121A of the General Laws, the Authority adopt the Report and Decision approving the Project.

An appropriate Vote follows:

VOTED: That the document presented at this meeting entitled, "Report and Decision on the Application of Taurus at Fountain Hill Associates for the Authorization and Approval of a Project Under Massachusetts General Laws (Ter.ED.) Chapter 121A as amended and Chapter 652 of the Acts of 1960, to be undertaken and Carried Out by a Limited Partnership formed under M.G.L. Chapter 109, and Approval to Act as an Urban Redevelopment Limited Partnership Under said Chapter 121A, " be and is hereby approved and adopted.

